IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 12.12.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.18434 of 2003

K.Jayachandran .. Petitioner

Vs.

1.The Commandant,
Central Industrial Security Force,
CISF Unit, PPT, Paradeep,
Jagatsinghpor, Orissa.

2.The Commandant,
Central Industrial Security Force,
CISF Unit, CPT, Chennai.

3. The Deputy Inspector General,
Central Industrial Security Force,
Eastern Zone Head Quarters, Patna.

4.The Deputy Inspector General,
Central Industrial Security Force,
Southern Zone Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai-600 090. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the order passed by the first respondent in his order No.E.41017/BPT/RMS/KJ/03/1759 dated 02.04.2003, quash the same and to direct the respondents to disburse the recurring medical pension out of RMSF scheme at Rs.600/- per month from 19.03.2002 to 18.03.2022 to the petitioner.

For Petitioner : Mr.M.Md.Ibrahim Ali
For Respondents : Mr.S.Udayakumar, SCGSC.,

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ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

Aggrieved by the order of the first respondent dated 02.04.2003, the petitioner has filed the above writ petition to quash the same and direct the respondents to disburse the recurring medical pension out of RMSF scheme at Rs.600/- per month from 19.03.2002 to 18.03.2022 to the petitioner.

2. Heard the learned counsel appearing for the petitioner as well as the respondents.

3. We have verified the impugned proceedings, which is available at page 19 of the typed set of papers as well as the revised scheme, which came into force on 01.08.2002. In the dates and events furnished by the learned counsel for the respondents, they have clarified the position stating that the scheme was again reviewed and the 'Revised CISF Central Welfare Risk Premia cum Saving Scheme 2002' was introduced with effect from 01.08.2002, wherein a person invalidated medically with less than 90% will be paid a lump sum grant of Rs.20,000/- along with the contributions made towards the "saving element" of the fund. While formulating this scheme, it was clearly mentioned that the Risk Fund Scheme 1997 will be merged with this and all assets and liabilities of that scheme will also be transferred to the revised scheme from the date of its inception. It is further stated that after the introduction of the revised scheme with effect from 01.08.2002, all the previous schemes have ceased to exist and all the beneficiaries are governed by the present scheme which is applicable to the petitioner also.

4. In view of the same, the petitioner cannot claim any right over the medical pension scheme, which has since been repealed and abolished for all the beneficiaries and hence, he cannot stake claim to a non-existing scheme or assistance.

5. In view of the above clarification, we are unable to accept the claim of the petitioner. Consequently the writ petition fails and the same is dismissed. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Commandant,
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Rajaji Bhavan, Besant Nagar,
Chennai-600 090.

+ one cc to M/s. M. Md.Ibrahim Ali, Advocate sr no. 61712
+ one cc to Mr. S. Udayakumar, Sr, CGSC SR NO. 61750

PK(CO)
NM(20.12.2006)

W.P.No.18434 of 2003

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